

REMARKS

Applicants have reviewed the Office Action mailed July 7, 2005 as well as the art cited therein. Claims 1-42 were pending in this application. By this Amendment, Applicants have canceled Claims 12, 26, 38 and 42, and have added new Claims 43-44. Accordingly, Claims 1-11, 13-25, 27-37, 39-41 and 43-44 are now pending. Reconsideration of the claims, as amended, is respectfully requested.

Withdrawal of Restriction Requirement

In an Office Action mailed March 9, 2005, the Examiner issued a restriction requirement identifying two groups of claims, i.e., Group I (Claims 1-29) and Group II (Claims 30-42), and requested Applicants to elect one of these groups for examination. In a response submitted May 9, 2005, Applicants elected Group II, with traverse. Based on the Office Action mailed July 7, 2005, which includes an examination of Claims 1-42, Applicants understand that the Examiner was persuaded by Applicants remarks that the restriction requirement was improper, and Applicants respectfully request the Examiner to confirm that the restriction requirement has been withdrawn.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rothschild et al. (U.S. Patent No. 5,802,015) in view of Medin (U.S. Patent No. 5,442,669). As amended, Claims 1, 16 and 30 require, among other things, "An electronic monitoring and/or timing circuit, wherein the electronic monitoring and/or timing circuit comprises a microcontroller and at least one register configured to tune the frequency of the one or more oscillators or time-bases"

Rothschild discloses, "It is envisioned that the circuitry for label 10 be realized in a single chip, as an Application Specific Integrated Circuit (ASIC)." (Rothschild, col. 6, ll. 3-5.) However, Rothschild does not disclose, teach, or suggest an electronic monitoring and/or timing circuit comprising a *microcontroller*, as required by amended Claims 1, 16 and 30. In addition, Rothschild fails to disclose, teach, or suggest an electronic monitoring and/or timing circuit comprising at least one register configured to tune the frequency of one or more oscillators or time-bases, as required by amended Claims 1, 16 and 30.

Medin discloses a perishable good integrity indicator including a first oscillator which outputs a clock which does not vary frequency with temperature and a second oscillator

which outputs a clock which varies frequency with temperature. (Medin, col. 2, ll. 8-15.) Medin does not cure the deficiencies of Rothschild, however, because Medin also fails to disclose, teach, or suggest an electronic monitoring and/or timing circuit comprising a microcontroller and at least one register configured to tune the frequency of one or more oscillators or time-bases, as required by amended Claims 1, 16 and 30.

For at least these reasons, Claims 1, 16 and 30, as amended, are patentable over Rothschild in view of Medin, and Applicants respectfully request allowance of these claims. In addition, Claims 2-11, 13-15, 17-25, 27-29, 31-37, 39-41 and 43-44, which depend from Claims 1, 16 and 30, are patentably distinguished from Rothschild and Medin for the same reasons stated above with respect to Claims 1, 16 and 30, and because of the additional features recited therein. Therefore, Applicants respectfully requests allowance of Claims 2-11, 13-15, 17-25, 27-29, 31-37, 39-41 and 43-44.

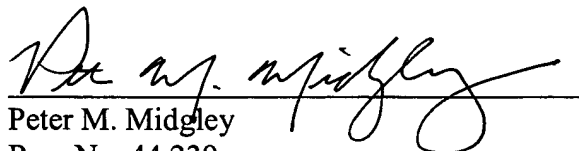
CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that Claims 1-11, 13-15, 16-25, 27-29, 30-37, 39-41 and 43 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 503030.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (208) 433-1231.

Respectfully submitted.

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